

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	7 October 2021
PANEL MEMBERS	Abigail Goldberg (Chair), Susan Budd, Noni Ruker, Ned Attie and Eddy Sarkis
APOLOGIES	Nil
DECLARATIONS OF INTEREST	David Ryan declared a conflict as a result of his company City Plan having provided town planning services for the application.

Papers circulated electronically on 1 October 2021.

MATTER DETERMINED

PPSSCC-228 – DA2021/0092 - Cumberland City Council, 4-12 Railway Street, Lidcombe, Construction of four (4) mixed-use buildings ranging in height from 2 to 18 storeys, comprising commercial/retail uses and 301 residential apartments over four (4) basement car park levels accommodating 514 car spaces, site remediation, landscaping works, and associated Stratum subdivision (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at items 7 and 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant seeking variations to the applicable height of buildings development standards in clause 4.3 of the Auburn LEP 2010 made under cl 4.6 (3) of The Auburn Local Environmental Plan 2010 (LEP), that has demonstrated that:

- compliance with cl. 4.3 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

The Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 of the LEP and the objectives for development in the B4 Mixed Use zone; and
- the concurrence of the Secretary has been assumed.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979 for the reasons in the council officer's assessment report, and as below:

REASONS FOR THE PANEL'S DECISION

The application has been the subject of a site-specific planning proposal and ongoing refinements to the design and massing of the built form to minimise impacts, including overshadowing of Friends Park.

The application has been reviewed by Council's Design Excellence Panel (DEP) both prior to and since lodgement, with detailed recommendations provided. While not all recommendations have been addressed to the full satisfaction of the DEP, the DEP considers that design excellence has overall been

adequately achieved. Moreover, conditions have been applied to address outstanding material design matters.

The Panel notes that the VPA agreed with Council in conjunction with the Planning Proposal, includes the dedication of land at lots 7 and 8 of DP 397 for the extension of the existing Friends Park on Davey Street, as well as land for a road widening along Raphael Street.

In relation to compliance with SEPP 55 requirements, the Panel notes that the remediation methodology in the RAP includes a requirement for supplementary testing of soils to address data gaps in the testing undertaken to date, including testing of soils below former building footprints and in relation to 4 Railway Street, which was excluded from previous testing and contamination reports. The Panel is satisfied that the RAP and proposed conditions of consent adequately address SEPP 55 requirements.

The application is generally compliant with SEPP 65 and the Apartment Design Guide and applicable LEP and DCP controls.



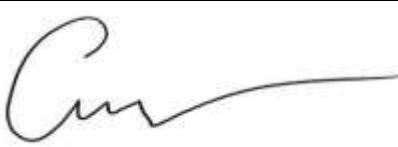


The decision was **unanimous**.

CONDITIONS

The development application was approved subject to a deferred commencement and conditions as detailed by Council.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that there were no written submissions received during the public exhibition.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Susan Budd
 Ned Attie	 Eddy Sarkis
 Noni Ruker	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-228 – DA2021/0092 - Cumberland City Council
2	PROPOSED DEVELOPMENT	Construction of four (4) mixed-use buildings ranging in height from 2 to 18 storeys, comprising commercial/retail uses and 301 residential apartments over four (4) basement car park levels accommodating 514 car spaces, site remediation, landscaping works, and associated Stratum subdivision
3	STREET ADDRESS	4-12 Railway Street, Lidcombe
4	APPLICANT/OWNER	Phoenix Builders Pty Ltd / Lidcombe Property (NSW) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV exceeding \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) Statement Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Affordable Rental Housing) 2009 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) Auburn Local Environmental Plan 2010 Draft environmental planning instruments: <ul style="list-style-type: none"> Draft Cumberland Local Environmental Plan Development control plans: <ul style="list-style-type: none"> Auburn Development Control Plan 2010

		<ul style="list-style-type: none"> • Planning agreements: <ul style="list-style-type: none"> • Executed Voluntary Planning Agreement • Provisions of the Environmental Planning and Assessment Regulation 2000 • Coastal zone management plan: [Nil] • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or regulations • The public interest, including principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report – October 2021 • Draft Notice of Determination • Architectural Plans • Landscape Plans • DEP Comments • SEPP 65 ADG Assessment Table • ALEP 2010 Assessment Table • Clause 4.6 Variation Request • ADCP 2010 Assessment Table • Written submission during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Site inspection - Site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. • Papers were circulated electronically on 1 October 2021.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report